

775 Summer St NE STE 100
Salem OR 97301-1279
Phone: 503.378.3805
Fax: 503.378.4844



Oregon
Division of
State Lands

Fax

From: STEVE MORROW / ERIC METZ
Extension: 297
To: YVONNE VALLETTE Agency: EPA
Fax: (503) 326-3399 Phone: (503) 326-2716
Re: KERIUAN'S RESPONSE TO EPA ORDER cc:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Date Sent 12/17/02 Time Sent 12:50 Number of Pages Incl. Cover: 6

BRIDGEVIEW VINEYARDS

1/29/99

Perry Lumley
Division of State Lands
20300 Empire Ave, Suite 1
Bend, OR 97701

Dear Sir,

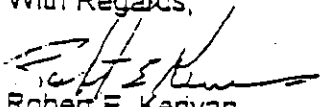
This is a letter to follow up on my second telephone conversation with you today, January 29th, trying to get an emergency permit to protect our vineyard and my house. The emergency permit I'm asking for would allow us to put rip-rap in Sucker Creek to extend the rip-rap installed in Sucker Creek after the 1964 flood by the U.S. Corp. of Army Engineers. (See attached survey.)

I've lost approximately 3 acres of trees and meadow over the last four years and within the last 30 days, I've lost an additional 1/2 acre and about thirty 100 foot tall trees. These trees also cause a hazard to a bridge located 1/4 mile downstream.

Under OSR 196.810 Permit Requirement, paragraph E(4) "Notwithstanding subsection (1) of this section, the Division of State Lands may issue, orally or in writing, an emergency authorization for the removal of material from the beds or banks or filling of any waters of this state in an emergency, for the purpose of making repairs or for the purpose of preventing irreparable harm, injury or damage to person or property. The emergency authorization issued under this subsection: . . (c) If issued orally, shall be confirmed in writing by the division within five days." It is also covered under OSR 196.815 paragraph 3E (page 175) Erosion Flood Repair.

I realize that I have a pending criminal litigation (since August 5, 1998) and am waiting for my day in court. However, I feel I am still protected under the OSR's quoted above as this is occurring on my property, on which I pay taxes. Also, I have to pay a \$25 per ton grape grower's tax, tens of thousands of dollars in wine tax, and I still have to pay my state income tax. I feel that my overall state tax contribution exceeds \$100,000 per year. For the life of me I can't see why I can't get an emergency permit to protect my tax paying assets.

With Regards,


Robert E. Kerivan
President

cc: ✓ Governor Kitzhaber
Sen. Brady Adams
Rep. Carl Wilson

PREMIUM
OREGON WINES

Pinot Noir

Erlot

Chardonnay

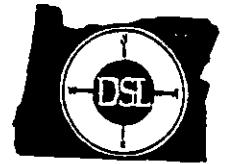
Riesling

Pinot Gris

Gewürztraminer

February 5, 1999

Oregon



Robert E. Kerivan
Bridgeview Vineyards
P. O. Box 609
Cave Junction, OR 97523

Re: Emergency Authorization Request

Dear Mr. Kerivan:

As we discussed on the phone, I cannot issue an Emergency Authorization to complete a riprap bank protection project along your vineyard at this time. An Emergency Authorization is for the purposes of preventing irreparable harm, injury or damage to persons or property and is defined in Oregon Administrative Rule (OAR 141-85-010 (6)) as an ".... unforeseen circumstances which present an immediate and direct threat to public health, safety and/or welfare." Emergency Authorizations are only issued to do minimum, temporary work to prevent further real harm, until a project can be approved during normal in-water work periods with all required permits. Emergency Authorizations are also required from the U. S. Army Corps of Engineers (USCE).

As stated in your letter of January 29th, you have been experiencing erosion problems for the past (4) years and that your vineyard is not now under threat. At any time during those past years you could have applied for Removal/Fill permits to be completed during the in-water work period. The in-water work period for Sucker Creek is June 15 to September 15. The in-water work period was created to protect "reds" (fish eggs) and newly hatched fish that may be in the gravel of the streams at all other times.

The photo you sent did show erosion in the riparian zone but no erosion along your vineyard. Until the in-water work period of June 15 to September 15, we would only allow the minimum work to stabilize the bank if it absolutely necessary.

I have contacted Mike Evenson of the Department of Fish and Wildlife to contact you. Mr. Evenson will assess your situation and may offer some suggestions on how to stabilize your stream bank. I have enclosed a joint USCE and State permit application. Please contact me at (541)388-6112 if you have any questions or if conditions along your property change.

Regards,

Perry E. Lumley
Resource Coordinator
Field Operations/Eastern Region

DIVISION OF STATE LANDS

Eastern Region

STATE LAND BOARD

JOHN A. KITZHABER
Governor

PHIL KEISLING
Secretary of State

JIM HILL
State Treasurer

Empire Corporate Park
20300 Empire Avenue
Suite 1

Bend, OR 97701

(541) 388-6112

FAX (541) 388-6480

TTY 1-800-735-2900

(Oregon Telecommunications
Relay Service)

cc Steve Purchase, Assistant Director Field Operations
Mike Evenson, ODFW
Bill Davis, USCE
Sen. Brady Adams



Oregon

John A. Kitzhaber, M.D., Governor

RECEIVED
MAR 01 1999

Division of State Lands

775 Summer Street NE

Salem, OR 97310-1337

(503) 378-3805

FAX (503) 378-4844

TTY (503) 378-4615

February 23, 1999

State Land Board

John A. Kitzhaber
Governor

Phil Keisling
Secretary of State

Jim Hill
State Treasurer

Robert E. Kerivan
Bridgeview Vineyards
P. O. Box 609
Cave Junction, OR 97523

RE: Emergency Removal/Fill Authorization Request

Dear Mr. Kerivan:

Governor Kitzhaber asked me to follow up on your letter of February 3, 1999 concerning your problems in obtaining an emergency authorization from the Division of State Lands. As I understand it, your request was to immediately place riprap along the bankline of Sucker Creek to prevent further erosion of your property. The in-water work period for Sucker Creek is June 15 to September 15.

Due to the listing of Coho Salmon as a threatened species in southern Oregon streams, including Sucker Creek, and the establishment of the "Oregon Plan for Salmon and Watersheds" we are attempting to reduce impacts to Oregon's streams and fisheries while still allowing protection of private property. The intent of the "Oregon Plan" is to address and hopefully avoid further threatened and endangered listings by the National Marine Fisheries Service by restoring native fish populations and the aquatic systems that support them.

I have discussed your situation with my staff and found that, as you stated, there have been a number of removal/fill permits issued to the Illinois Valley Soil and Water Conservation District, some of which involved federal funding. However, these permits were issued with our express condition that any work within the bed and banks be done during the designated in-water work period. Because of the fish listings, the Oregon Department of Fish and Wildlife now requires more stringent conditions before recommending any work outside the established in-water work period.

Robert Kerivan
February 23, 1999
Page 2 of 2

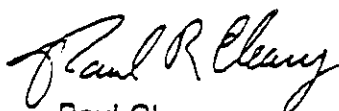
As you know, floods can often cause changes within the flood plains resulting in erosion problems, channel changes and, in some cases, property damage. Some of the destruction caused during floods is compounded by activities that have previously occurred in the drainage basin such as past logging practices, dams, vegetation removal in the riparian zones, dike building and gravel removal. All these activities have an affect on how a stream system responds to very high flows. As such, it is important that erosion problems are addressed in a comprehensive, watershed-based manner that allows protection of private property while also preserving the natural resources within Oregon's waterways.

I suggest you either work closely with your Soil and Water Conservation District or seek a private contractor with the necessary expertise to address your problem along Sucker Creek. If immediate bank protection is recommended, then you should develop a plan that includes the minimum amount of work necessary to protect your property at this time. A more extensive project can be completed during the in-water work period this summer.

My staff are available to work with you on such a phased project, should you wish to pursue this approach. Your request may also require authorization by the U. S. Army Corps of Engineers which may require consultation with the National Marine Fisheries Service before they can issue a permit or authorization. We are available to work with you on those authorizations as well.

I hope this information helps. Please do not hesitate to contact me at 503-378-3805, extension 224 if you have further questions or concerns.

Sincerely,



Paul Cleary
Director

cc: Senator Brady Adams
Representative Carl Wilson
Steve Purchase, Assistant Director, Field Operations
Corkey Lockard, Illinois Valley Soil and Water Conservation District
Bill Davis, U. S. Army Corps of Engineers
Mike Evenson, Oregon Department of Fish and Wildlife

CERTIFICATE

State of Oregon

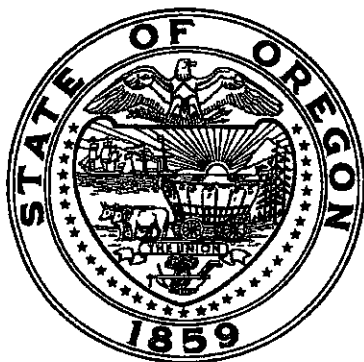
OFFICE OF THE SECRETARY OF STATE
Corporation Division

I, BILL BRADBURY, Secretary of State of Oregon, and Custodian of the Seal of said State, do hereby certify:

That the attached Document File for:

BRIDGEVIEW VINEYARDS, INC.

*is a true copy of the original documents
that have been filed with this office.*



*In Testimony Whereof, I have hereunto set
my hand and affixed hereto the Seal of the
State of Oregon.*

BILL BRADBURY, Secretary of State

By Marilyn R. Smith
Marilyn R. Smith
December 10, 2002

Submit the original
and one true copy
\$50.00

Corporation Division - Business Registry
Public Service Building
255 Capitol St., NE Ste. 151
Salem, OR 97310-1327
(503) 986-2200 Facsimile (503) 378-4381

50.00

FILED

MAR 11 1995

Registry Number

447123-88

ARTICLES OF INCORPORATION
Business Corporation

SECRETARY OF STATE

ARTICLE 1: Name of the corporation:

Bridgeview Vineyards, Inc.

Note: The name must contain the word "Corporation", "Company", "Incorporated",
or "Limited", or an abbreviation of one of such words.

ARTICLE 2: Number of shares the corporation will have authority to issue:

500 without a nominal or par value.

ARTICLE 3: Name of the initial registered agent:

Robert E. Kerivan

Address of initial registered office (must be a street address in Oregon which is
identical to the registered agent's business office):

4210 Holland Loop Road, Cave Junction, Oregon 97523

STREET

CITY

STATE

ZIP CODE

Mailing address of registered agent (if different from the registered office):

Same

STREET

CITY

STATE

ZIP CODE

ARTICLE 4: Address where the Division may mail notices: (Attn:) Robert E. Kerivan4210 Holland Loop Road, Cave Junction, Oregon 97523

STREET

CITY

STATE

ZIP CODE

ARTICLE 5: Name and address of each incorporator:

Robert E. Kerivan, 4210 Holland Loop Road, Cave Junction, Oregon 97523

NAME

STREET

CITY

STATE

ZIP CODE

Lotte Kerivan, 4210 Holland Loop Road, Cave Junction, Oregon 97523

NAME

STREET

CITY

STATE

ZIP CODE

MAKE CHECKS PAYABLE TO THE CORPORATION DIVISION OR INCLUDE YOUR VISA OR
MASTERCARD NUMBER AND EXPIRATION DATE

SUBMIT THE COMPLETED FORM AND FEE TO THE ABOVE ADDRESS OR FAX.
111 (6/94)

3/8

ARTICLE 6: Name and address of each director: (optional)

Robert E. Kerivan, 4210 Holland Loop Road, Cave Junction, Oregon 97523
NAME STREET CITY STATE ZIP CODE

Lotte Kerivan, 4210 Holland Loop Road, Cave Junction, Oregon 97523
NAME STREET CITY STATE ZIP CODE

ARTICLE 7: Other optional provisions: (attach another sheet)**Execution:**

 Robert K. Kerivan Incorporator
SIGNATURE PRINTED NAME TITLE

Person to contact about this filing:

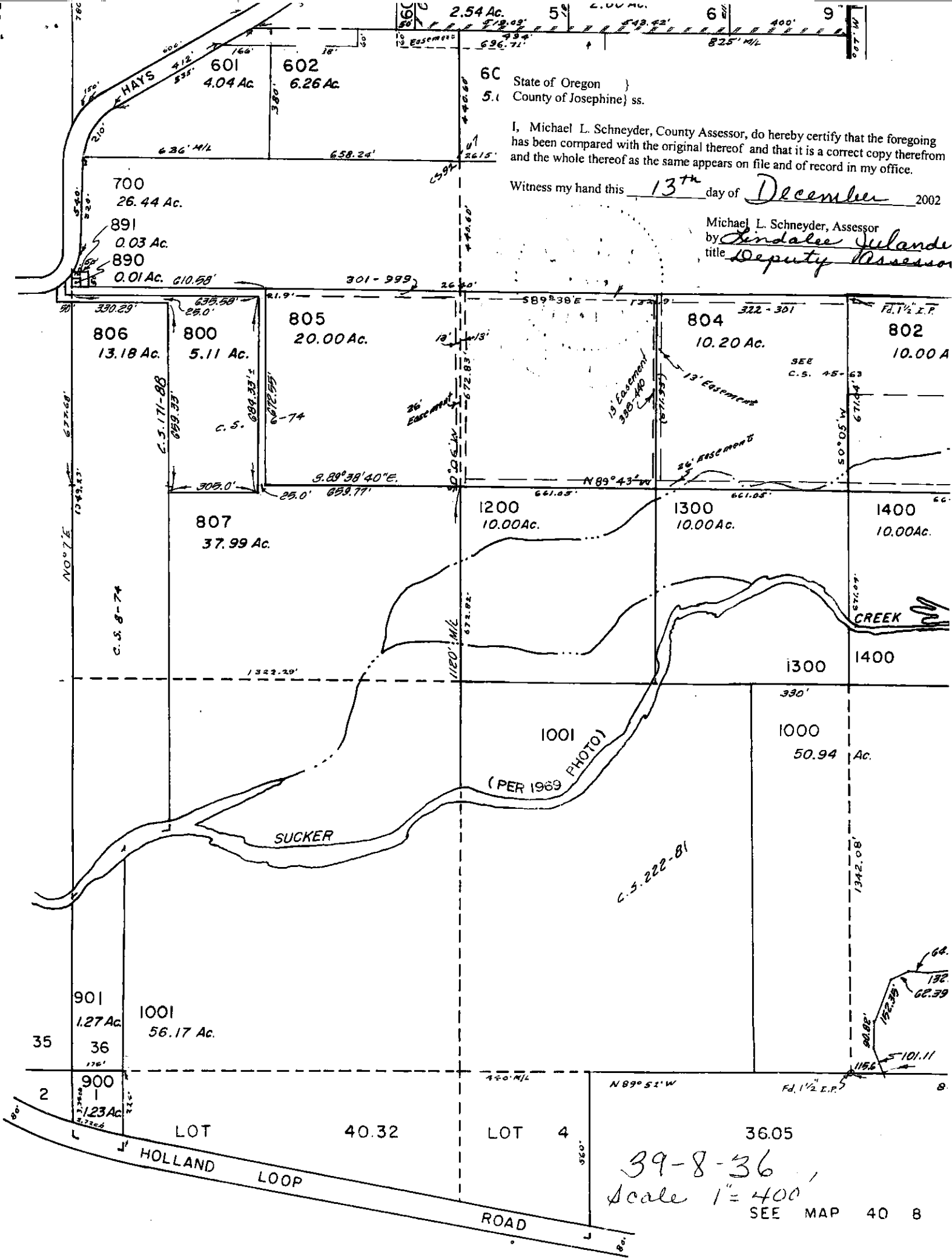
Raymond J. Salisbury, Attorney at Law (503) 476-8826
NAME DAYTIME PHONE

**MAKE CHECKS PAYABLE TO THE CORPORATION DIVISION OR INCLUDE YOUR VISA OR
MASTERCARD NUMBER AND EXPIRATION DATE**

SUBMIT THE COMPLETED FORM AND FEE TO THE ABOVE ADDRESS OR FAX.

SE

SEE MAP 39 8 35 D



BARGAIN AND SALE DEED - STATUTORY FORM

Bridgeview Vineyards, a partnership and Robert E. Kerivan and Lotte Kerivan as all of the partners of Bridgeview Vineyards, a partnership, Grantors, convey to Bridgeview Vineyards, Inc., and Oregon corporation, Grantee, the following real property situated in Josephine County, Oregon, to-wit:


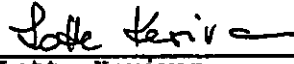
See Exhibit 1 attached hereto and by this reference made a part hereof.

Subject to liens and encumbrances of record and easements and restrictions of record and/or apparent on the ground.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$none - transfer of partnership interest.

DATED this 5 day of April, 1995.


Robert E. Kerivan

Lotte Kerivan

STATE OF OREGON)
) ss:
County of Josephine)

The foregoing instrument was acknowledged before me by Robert E. Kerivan and Lotte Kerivan, Grantors.




Notary Public for Oregon

=====

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:
Bridgeview Vineyards, Inc.
4210 Holland Loop Road
Cave Junction, Oregon 97523

AFTER RECORDING RETURN TO:
Raymond J. Salisbury
P.O. Box 378
Grants Pass, Oregon 97526

2

PARCEL I: A parcel of land situated in the Northeast Quarter of Section 9, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at a point on the West right of way line of the Redwood Highway where the North line of the Southwest Quarter of the Northeast Quarter of Section 9 crosses said highway; thence West along said North line of said Southwest Quarter of said Northeast Quarter of said Section 9 a distance of 100 feet; thence North 65 feet; thence East 100 feet, more or less, to the West boundary of said Redwood Highway; thence Southeasterly along the Westerly boundary to the place of beginning.

PARCEL II: A parcel of land situated in the Northeast Quarter of Section 9, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at a point on the West right of way line of the Redwood Highway where the North line of the Southwest Quarter of the Northeast Quarter of Section 9 crosses said highway; thence West along said North line of said Southwest Quarter of said Northeast Quarter of said Section 9, a distance of 100 feet to the Southwest Corner of tract described in Document No. 84-06108, Official Records of Josephine County, Oregon; thence South $0^{\circ} 57' 32''$ West 4.8 feet; thence South $88^{\circ} 56' 34''$ East 100.73 feet to the Westerly right of way line of the Redwood Highway; thence North $07^{\circ} 22' 28''$ West, along said right of way line 5.03 feet to the point of beginning.

PARCEL III: All of the following described property lying East of the Kerby Ditch: Commencing at the Southeast corner of Government Lot 1 in Section 9, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, and running East along the South line of the Northeast Quarter of the Northwest Quarter of said Section 9 a distance of 1042 feet to the true point of beginning; thence East 166 feet, more or less, to a point 100 feet West of the Westerly right of way line of the Redwood Highway; thence North 65 feet; thence East 95 feet, more or less, to said right of way line; thence North $6^{\circ} 29'$ West along said right of way 190 feet; thence West 155 feet; thence Southwesterly 270 feet, more or less, to the true point of beginning.

PARCEL IV: A parcel of land in the Southwest Quarter of Section 36, Township 39 South, Range 8 West and the Northwest Quarter of Section 1, Township 40 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, being more particularly described as follows: Beginning at the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 36; thence along the North line of said Southeast Quarter of the Southwest Quarter, North $89^{\circ} 25' 08''$ West 330.00 feet to the true point of beginning; thence parallel to the East line of said Southeast Quarter of the Southwest Quarter South $0^{\circ} 23' 59''$ West 1976.11 feet to the North right of way line of Holland Loop Road; thence along said right of way line North $78^{\circ} 47' 28''$ West 2167.99 feet to a point 176 feet East of the West line of said Section 1; thence parallel to said West line North $0^{\circ} 23' 11''$ East 231.14 feet to the North line of said Section 1; thence parallel with the West line of said Section 36, North $0^{\circ} 14' 03''$ East 796.93 feet to the center line of Sucker Creek; thence along said center line North $84^{\circ} 54'$ East 677.99 feet and North $80^{\circ} 02' 22''$ East 475.51 feet to the West line of said Southeast Quarter of the Southwest Quarter; thence along said West line North $0^{\circ} 18' 44''$ East 394.11 feet to the North line of said Southeast Quarter of the Southwest Quarter; thence South $89^{\circ} 25' 06''$ East 989.85 feet back to the true point of beginning.

INSTRUMENT 97-10308

STATE OF OREGON
COUNTY OF JOSEPHINE

I, County Clerk and ex-officio Recorder of
Conveyances, in and for said County, do
hereby certify that the within instrument was
received for record and recorded at

Date: 6/17/97 Time: 11:41 AM

in the Josephine County Book of Records.
GEORGETTE BROWN, COUNTY CLERK

By Deputy: *[Signature]*

Pages: 3 Fee: \$35.00

Hand Returned ☒ Mailed ☐ Hold ☐

5